

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 AGR-05 CEA-01 CIAE-00

COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05 L-02 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-01

TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 FEA-01

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

INFO AMEMBASSY DUBLIN

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LUXEMBOURG

USMISSION GENEVA

USMISSION OECD PARIS

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E.O. 11652:N/A

TAGS: ETRD, EC

SUBJECT:COUNTERVAILING DUTIES -- EC CASES

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REF: STATE 59489

1. THE FOLLOWING LETTER WAS SENT TO EC COUNSELOR JEAN PIERRE LENG ON MARCH 20 BY TREASURY DEPUTY ASSISTANT SECRETARY PETER O. SUCHMAN. BEGIN TEXT:

I AM WRITING TO CLARIFY A COMMENT EVIDENTLY BEING ATTRIBUTED TO ME DURING OUR LUNCH OF FEBRUARY 12 WITH EMBASSY OFFICIALS FROM EC MEMBER STATES CONCERNING PROCEDURES IN COUNTERVAILING DUTY INVESTIGATIONS. APPARENTLY A MEMORANDUM EMANATING FROM THIS MEETING OR POSSIBLY LATER DISCUSSIONS OF THE SUBJECT WAS CIRCULATED TO ALL EC MEMBER STATES AND INDICATES THAT I STATED THAT WITH RESPECT TO FLOAT GLASS INVESTIGATIONS, ALL CONTACTS BY OUR OVERSEAS CUSTOMS REPRESENTATIVES WOULD BE CONFINED SOLELY TO GOVERNMENT OFFICIALS. THIS IS NOT ACCURATE, AND I EITHER MISSPOKE OR WAS MISUNDERSTOOD.

IN THE FLOAT GLASS CASES, AS WELL AS OTHER COUNTERVAIL INVESTIGATIONS, OUR OVERSEAS CUSTOMS REPRESENTATIVES WILL CALL ON APPROPRIATE GOVERNMENT OFFICIALS AT THE OUTSET TO

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DISCUSS THE ISSUES AND OBTAIN ALL INFORMATION RELATED TO THE INCENTIVE PROGRAMS. IF THE CUSTOMS REPRESENTATIVES ARE IN NEED OF MORE DETAILED INFORMATION MORE READILY AVAILABLE FROM MANUFACTURERS, THEY WILL ASK PERMISSION FROM HOST GOVERNMENT OFFICIALS TO CALL ON THESE COMPANIES. SUCH CONTACTS WOULD THEN BE MADE ONLY WITH THE APPROVAL OF THE GOVERNMENT CONCERNED. IF PERMISSION IS NOT GRANTED, OF COURSE THESE CONTACTS WOULD NOT BE MADE.

IT IS ESPECIALLY IMPORTANT THAT THE STATEMENT ALLEGEDLY ATTRIBUTED TO ME BE CLARIFIED WITH RESPECT TO THE FLOAT GLASS INQUIRIES, WHERE THE REQUIRED INFORMATION MAY BE AVAILABLE ONLY FROM INDIVIDUAL MANUFACTURERS. WHILE THE GOVERNMENTS ARE UNDOUBTEDLY OF GREAT ASSISTANCE IN EXPLAINING THE REGIONAL INCENTIVE PROGRAMS AND HOW VARIOUS COMPANIES QUALIFY, THE EXTENT TO WHICH THESE COMPANIES BENEFIT FROM THE PROGRAMS MAY BE AVAILABLE ONLY IN COMPANY RECORDS. THIS ASPECT OF THE INQUIRY IS ESSENTIAL TO OUR REACHING AN ACCURATE DECISION BASED ON ALL THE FACTS.
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I AM CONCERNED BY REPORTS FROM EUROPE THAT THE FLOAT GLASS MANUFACTURERS HAVE DECIDED FOR WHATEVER REASON NOT TO PROVIDE ANY INFORMATION WITH RESPECT TO THIS INVESTIGATION. AS YOU ARE AWARE, UNDER THE COUNTERVAILING DUTY LAW THE SECRETARY OF THE TREASURY IS REQUIRED TO PROCEED ON THE BEST INFORMATION AVAILABLE TO HIM IF COMPLETE DATA IS NOT OBTAINABLE DURING THE COURSE OF THE CUSTOMS INQUIRY. THE

RISK IS THAT TREASURY WILL MAKE ITS DETERMINATION AS TO WHETHER A BOUNTY OR GRANT EXISTS, AND THE AMOUNT OF ANY SUCH BOUNTY OR GRANT, BASED ON INFORMATION THAT MAY NOT BE COMPLETELY ACCURATE. INVARIABLY THIS WORKS TO THE DIS-ADVANTAGE OF THE EXPORTER, IN MY EXPERIENCE. BECAUSE OF THE SENSITIVITY OF THE ISSUES AND THEIR COMPLEXITY IT IS ESPECIALLY IMPORTANT THAT WE WORK WITH AS COMPLETE A SET OF FACTS AS POSSIBLE IN MAKING A DECISION IN THESE CASES.

IT IS WITH THESE THOUGHTS IN MIND THAT I BRING THIS SITUATION TO YOUR ATTENTION AND ASK THAT THE TREASURY POSITION BE GIVEN APPROPRIATE DISSEMINATION WITHIN THE COMMUNITY.
END TEXT.

2. ABOVE FOR POSTS INFORMATION AND USE AS THOUGHT
APPROPRIATE. INGERSOLL

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